

Application No.: 09/874,163

Docket No.: JCLA7083

REMARKS**Present Status of the Application**

The Office Action rejected presently-pending claims 1-10 and 13. Specifically, the Office Action rejected claims 1, 4-10 and 13 under 35 U.S.C. 102(e), as being anticipated by Chang et al. (U.S. Patent No.6,498,759). The Office Action also rejected claims 2-3 under 35 U.S.C. 103(a), as being unpatentable over Chang et al. (U.S. Patent No.6,498,759) in view of Applicant's Admitted Prior Art (AAPA) page 2. The Office Action also indicated Claims 11-12 are allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have cancelled claim 1. Claims 2-13 remain pending in the present application, and reconsideration of those claims is respectfully requested.

Discussion of Office Action Rejections

The Office Action rejected claims 1, 4-10 and 13 under 35 U.S.C. 102(e), as being anticipated by Chang et al. (U.S. Patent No.6,498,759, "**Chang**" hereinafter). The Office Action also rejected claims 2-3 under 35 U.S.C. 103(a), as being unpatentable over Chang et al. (U.S. Patent No.6,498,759) in view of Applicant's Admitted Prior Art (AAPA) page 2.

In response thereto, Applicants have cancelled claim 1 and rewritten claims 2 and 3 into independent form incorporating with all limitations of claim 1. Applicants have also amended claim 8 incorporating with the limitation of "wherein the system power state signal enters a low logic state when the computer system enters a STD mode, a soft off mode or a mechanical power

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off mode, and the recognition apparatus receives the system power state signal and then drives the voltage control circuit to output the preset voltage to the memory”. Applicants believe that these amendments do not raise new issues and these amendments render the rejections under 35 U.S.C. 102(e) moot.

Regarding with the evidence mentioned in the Response to Arguments to overcome the rejections under 35 U.S.C. 103(a), the subject matter in the cited reference Chang et al. (U.S. Patent No.6,498,759) was owned by VIA Technologies, Inc. when it was first filed in Taiwan Patent Office on July 5, 2000. The related information is shown in the Foreign Application Priority Data on the Front page of the Patent Paper. The cited reference was also assigned to the VIA Technologies, Inc. when it was filed in USPTO on Dec. 29, 2000.

The subject matter in the present invention was also owned by the VIA Technologies, Inc. when the application was first filed in Taiwan Patent Office on March 28, 2001. Attachment is the cover page of translated information of the certificate copy of the Application filed in the Taiwan Patent Office. The present invention claiming the priority of the application filed in Taiwan Patent Office on March 28, 2001 is also assigned to the same company when it was filed on June 5, 2001. A statement signed by translator under 37 C.F.R. § 1.55 is also attached herewith.

It is clearly believed that the cited reference Chang and the claimed invention was owned by the same assignee, the reference Chang is not qualified as prior art according to the Amendment of Patent Law by the American Inventor Protection Act of 1999 (AIPA), which renders the rejection under 35 U.S.C. 103 moot.

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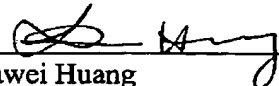
CONCLUSION

For at least the foregoing reasons, it is believed that the pending claims 2-13 are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

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